1949. File No. Prev. of Fragmentation II

49(N)

Legal Deptt.

B BRANCH

K

Subject:— Notifications under the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947

E
P-9
1949

File No. Prev. of Fragmentation II/49(N)

Gen. 194

140-B

Legal Department.

The Revenue Department now states that a notification under section 15 of the Act has already been issued declaring Government's intention to make a scheme for the consolidation of Holdings in 185 villages specified therein selected from eight different Districts. This means that the first steps referred to in L.D. opinion No. 4642, dated the 26th April 1949 has already been completed. As it is proposed also to appoint the three consolidation officers generally for the district mentioned against them at pages 341-345, each can now proceed to prepare in the prescribed manner a scheme for the consolidations of holdings in the village or groups of villages specified in the Revenue Department Notification No. 9206/45, dated the 16th December 1948. insofar as such village or group of villages falls under his jurisdiction.

2. The case referred to in paragraph 4 of the Revenue Department is under consideration of Remembrancer of Legal Affairs, and will be returned very shortly.

Sd./- J.R.D.
27/6
Additional Secretary to Government.

U.O. to R.D., No. 7139, dated the 28th June 1949.

SVV
4.6.56.
4 a.

K.S.R.
6/6

The proposal is to appoint Mr. Shaikh as Consolidation Officer for the Districts of Poona, Sholapur and Kolaba. Mr. Desai as Consolidation Officer for the Districts of Ahmedabad, Surat and West Khandesh and to invest Mr. Kalghatgi with the powers of the Consolidation Officer for the Districts of Bijapur and Ratnagiri.

2. All the three notifications are proposed to be issued from Political and Services Department (Revenue) implying that the notifications in question concern the appointments of Gazetted Officers under the Revenue Department.

3. Section 15 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 provides that with the object of consolidation holdings in any village, mahal or taluka or any part thereof for the purpose of better cultivation of lands therein, the Provincial Government may declare by a notification in the Official Gazette and the publication in the prescribed manner in the village or villages concerned its intention to make a scheme for the consolidation of holdings in such village or villages or part thereof as may be specified. On such publication in village concerned the Provincial Government may appoint a Consolidation Officer who shall proceed to prepare in the prescribed manner a scheme for the consolidation of holdings in such village or villages or part thereof, as the case may be. Under the said section 15 two stages for the consolidation of holdings have been prescribed. First a declaration of intention under a notification of the Provincial Government to make a scheme for the consolidation of holdings in such village or villages or part thereof as may be specified and second an appointment by the Provincial Government

of Consolidation Officer who shall proceed to prepare in the prescribed manner a scheme for the consolidation of holdings in such village or villages or part thereof. Presumably the notifications at pages 341 and 345 ante are not intended to be issued under the latter part of section 15 of the Act but are intended for the appointment of Consolidation Officer generally in connection with the work of consolidation of holdings in the districts specified against them. This notification by itself will not empower the Consolidation Officer to perform the duties specified in Chapter III of the Act as no notification by Government declaring its intention to make a scheme for the consolidation of holdings in respect of village or villages or part thereof appears to have been issued. It is presumed that such a notification will issue whenever Government has taken the decision to consolidate holdings in particular village or villages.

4. Subject to the above observations the notifications at pages 341-345 are in order.

d./- J R-D.
26/4
Additional Secretary to Government.

L.R. to R.D. No. 4542 dated the 26th April, 1949.

Political and Services Department.
(Revenue),
Bombay Castle, April, 1949.

No. 7059/45(a) - In exercise of the powers conferred by section 15 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1948), the Government of Bombay is hereby pleased to appoint Mr. V.P. Shaikh, Officiating Deputy Collector as Consolidation Officer for the Districts of Poona, Sholapur and Kolaba with effect from 1st August, 1948.

By order of the Governor of Bombay,

M.D. Bhat,
Chief Secretary to Government.

To be published in part I of the Bombay Government Gazette; to be returned with 8 copies of the notification.

for Chief Secretary to Government.

SVV
4.6.56.
4 c.

Legal Department.

These revised draft notifications are sent herewith. As provided in sub-section (2) of section 4 of the Act the minimum area has to be notified not only in the Official Gazette but also in such other manner as may be prescribed. Rule 5 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Rules, 1948, prescribes such other manner. The notification may also be published in the manner provided in the said rule.

Sd./- J.R.D.
6/7
Additional Secretary to Government.

U.R. to R.D., No. 7239, dated the 7th July, 1949.

BVV
4.6.56.
47 c.

Notification
Revenue Department,
Bombay Castle, June, 1949.

Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

No. - In exercise of the powers conferred by section 5 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased to specify the area comprised in the Khandala Mahal in the Satara district as a local area for the purposes of the said Act.

By order of the Governor of Bombay,

Secretary to Government.

SVV
4.6.56.
4 c.

Legal Department.

A revised draft notification is sent herewith.

Sd./- J.R.D.
8/10
Additional Secretary to Government.

U.R. to R.D., No. 11503; dated the 10th October, 1949.

SVV
4.6.56.
4 c.

REVENUE DEPARTMENT.

BOMBAY CASTE, October, 1949.

Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947.

No. 7031/45:- The following draft of a notification which it is proposed to issue under section 87 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bombay LXII of 1947), is published as required by sub-section (3) of the said section 37 for the information of all persons likely to affected thereby and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after the October 1949.

2. Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Revenue Department from any person with respect to the said draft on or before the date aforesaid will be considered by Government:

Draft Notification.

No. 7031/45:- In exercise of the powers conferred by section 87 of the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 (Bom. LXII of 1947), the Government of Bombay is pleased to amend the Bombay Prevention of Fragmentaion and Consolidation of Holdings Rules, 1948, as follows, namely :-

In rule 13 of the said rules for the words and figures "of publication of the notification in the village under section 15 'the words' of the proclamation in the village by the Consolidation officer under the said section" shall be substituted.

By order of the Governor of Bombay,

Secretary to Government.

SVV
4.6.56.

Legal Department.

A revised draft notification is sent herewith.

Ed./- J.R.D.
12/10
Additional Secretary to Government.

U.O. No. to R.D. 11481; dated the 13th October, 1949.

SVV
4.6.56.
4 c.

Legal Department.

The revised draft notifications in place of the P.W.D. draft at p. 15 ante are sent herewith.

M./- J.R.D.
17/11
Additional Secretary to Government.

U.R. to P.W.D., No. 13064, dated the 17th November 194.

SVV
4.6.56.
4 c.